

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ELIZABETH A. HOLMES,  
  
Defendant.

Case No. [5:18-cr-00258-EJD-1](#)

**SECOND ORDER RE DOW JONES'S  
MOTION TO UNSEAL**

Re: Dkt. No. 881

In connection with Intervenor Dow Jones and Company, Inc.'s ("Dow Jones") motion to unseal (Dkt. No. 881), the Court issued an order to unseal certain documents on August 28, 2021. Dkt. No. 965. Having received and considered the parties' proposed redactions to documents related to the United States' Motion to Rejoin the Trials of Defendants (Dkt. No. 591), the Court now further finds it appropriate to unseal the docket entry text for all documents listed below, and to unseal the following documents in their entirety:

| Docket No. | Document  |
|------------|---|
| 625        | Balwani's Certificate of Service  |
| 629        | Holmes' Certificate of Service  |
| 644        | USA's Declaration of Vanessa Baehr-Jones in Support of USA Omnibus Reply<br><i>[duplicate of Dkt. No. 645 that appears to have been filed in error]</i> |
| 645        | USA's Declaration of Vanessa Baehr-Jones in Support of USA Omnibus Reply  |
| 645-3      | Exhibits 3-12 to Baehr-Jones Declaration in Support of USA Omnibus Reply  |

Case No.: [5:18-cr-00258-EJD-1](#)  
2D ORDER RE DOW JONES'S MOT. TO UNSEAL

The Court further finds it appropriate to partially unseal the following documents, with minimal redactions<sup>1</sup>:

| Docket No. | Document   |
|------------|--|
| 645-1      | Exhibit 2 to Baehr-Jones Declaration in Support of USA Omnibus Reply |
| 645-2      | Exhibit 2 to Baehr-Jones Declaration in Support of USA Omnibus Reply |

The following documents contain information related to Holmes's Rule 12.2 defense. For the reasons described in the Court's previous order, they will remain provisionally partially sealed unless and until Holmes introduces evidence of her Rule 12.2 defense at trial:

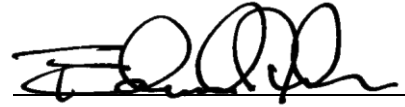
| Docket No. | Document   |
|------------|--|
| 591        | USA's Motion to Rejoin the Trials of Defendants  |
| 624        | Balwani's Opposition to USA's Motion to Rejoin Trials of Defendants  |
| 627        | Holmes' Opposition to USA's Motion to Rejoin Trials of Defendants  |
| 644-1      | USA's Omnibus Reply in Support of USA's Motion to Rejoin the Trials of Defendants and Motion to Exclude Testimony from Dr. Mechanic  |
| 796        | Order Denying Government's Motion to Exclude Expert Testimony or, in the Alternative, for a <i>Daubert</i> Hearing and for Discovery; Denying Defendant's Motion to Exclude Testimony of Dr. Renee Binder and Granting Request for <i>Daubert</i> Hearing; Denying Government's Motion to Rejoin |

The Court continues to monitor and assess the appropriateness of maintaining the sealed status of certain documents.

<sup>1</sup> The Court finds that maintaining these minimal redactions are necessary to protect the personal identifying information and privacy interests of third-party witnesses. The Court finds that there are no less restrictive means available to protect those interests.

**IT IS SO ORDERED.**

Dated: September 27, 2021



EDWARD J. DAVILA  
United States District Judge

United States District Court  
Northern District of California